

## Department of Veterans Affairs

## § 17.216

The Secretary who conducts the hearing may exclude from consideration irrelevant, immaterial, or unduly repetitious evidence or testimony.

(Authority: 38 U.S.C. 8135(c))

[52 FR 23828, June 25, 1987. Redesignated and amended at 61 FR 21966, 21968, May 13, 1996]

### § 17.215 Recapture provisions.

(a) Except as provided in paragraph (b) of this section, if within 20 years after completion of any project with respect to which a grant has been made under the regulations concerning grants to States for construction or acquisition of State home facilities, a facility constructed or acquired as part of such project ceases to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing domiciliary, nursing home or hospital care to veterans, the United States shall be entitled to recover from the State which was the recipient of the grant or from the then owner of such construction 65 percent of the current value of such facility (but in no event an amount greater than the amount of assistance provided for such under these regulations), as determined by agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated.

(Authority: 38 U.S.C. 8136)

(b) In the case of a grant where the Department of Veterans Affairs would provide between 50 and 65 percent of the estimated cost of expansion, remodeling, or alteration of an existing State Home facility recognized by the Department of Veterans Affairs in accordance with § 17.190, the Secretary may at the time of the grant provide for the following recovery periods associated with the following grant amounts.

Grant amount (dollars in thousands)	Recovery period (in years)
0-250 .....	7
251-500 .....	8
501-750 .....	9
751-1,000 .....	10
1,001-1,250 .....	11
1,251-1,500 .....	12
1,501-1,750 .....	13
1,751-2,000 .....	14
2,001-2,250 .....	15

Grant amount (dollars in thousands)	Recovery period (in years)
2,251-2,500 .....	16
2,501-2,750 .....	17
2,751-3,000 .....	18
Over 3,000 .....	20

(Authority: 38 U.S.C. 8136)

If the magnitude of the Department of Veterans Affairs contribution is below 50 percent of the estimated cost of the expansion, remodeling, or alteration of an existing State home facility recognized by the Department of Veterans Affairs in accordance with § 17.190, the Secretary may authorize a recovery period between 7 and 20 years depending on the grant amount involved and the magnitude of the project.

[52 FR 23828, June 25, 1987. Redesignated and amended at 61 FR 21966, 21968, May 13, 1996]

### § 17.216 General program requirements for construction and acquisition of and equipment for State home facilities.

(a) *Introduction.* (1) The general program requirements set forth in this section have been established to guide the State agencies and their architects in preparing drawings, specifications, cost estimates, and the equipment list for the grant application.

(2) States shall apply the Uniform Federal Accessibility Standards (UFAS) (24 CFR part 40, appendix A), during the design and construction of State home projects. UFAS standards establish requirements for facility accessibility by physically handicapped persons for Federal and Federally-funded facilities and were jointly developed by the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service, under the authority of sections 2, 3, 4, and 4a of the Architectural Barriers Act of 1968, as amended, Public Law 90-480, 42 U.S.C. 4151-4157.

(3) States must comply with these requirements where they exceed any National, State, or local codes. If the State or local codes exceed these general requirements, compliance with the more stringent standard is required.

(4) The space allotted to the various services (i.e., medical, nursing, dietary,